

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:99-CR-4-BR

UNITED STATES OF AMERICA

v.

CARL DOUGLAS CONSOLVO

ORDER

This matter is before the court on defendant's letter filed 26 May 2016 requesting relief regarding his 18 U.S.C. § 924(c) conviction based on the decision in Johnson v. United States, 125 S. Ct. 2551 (2015), and the appointment of counsel. (DE # 39.)

On the same day the court received defendant's letter, pursuant to standing order, counsel was appointed to represent him. (DE # 40.) Shortly thereafter, counsel filed on defendant's behalf a motion pursuant to 28 U.S.C. § 2255 challenging defendant's § 924(c) conviction in light of Johnson. (DE # 42, at 4.) On the government's unopposed motion, the court stayed the proceeding pending the decisions in United States v. Simms, 914 F.3d 229 (4th Cir. 2019) (en banc), and United States v. Walker, 934 F.3d 375 (4th Cir. 2019). (DE # 47.) After Simms issued, defendant, through counsel, withdrew his § 2255 motion. (DE # 48.)

Because the substance of defendant's request for relief was raised in his § 2255 motion, defendant's *pro se* request for relief regarding his § 924(c) conviction is DENIED as moot.

This 17 October 2019.



W. Earl Britt  
Senior U.S. District Judge